

REMARKS

Claims 1-3, 5-6, and 8-43 are pending in the application. Applicants appreciate the Examiner's allowance of claims 25-28, and his indication that claims 22, 31, 32, and 35 recite allowable subject matter. The remaining claims stand rejected in view of the prior art. In view of the amendments and remarks presented herein, reconsideration and allowance of all claims are respectfully requested.

Claims 12, 19, 20, and 33 are objected to for informal errors. These claims are amended herein as suggested by the Examiner, and therefore these objections should be withdrawn. In addition, applicants have corrected additional errors found in various of the dependent claims. No new matter is introduced by these amendments, and therefore consideration and entry are respectfully requested.

The Office action rejects claims 1-2, 5, 8-11, 18-20, 24, 29-30, 33, 36, and 38 under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,645,566 ("Brenneman"). Applicants traverse this ground of rejection.

Independent claim 1, as well as the claims dependent directly or indirectly thereon, specifies a device for determining a depth of incision that includes an elongated member including a distal end and a proximal end. A lumen extending through the elongated member and has a proximal end coincident with the elongated member proximal end and a distal end spaced proximally from the elongated member distal end. A tapered surface extends between the elongated member distal end and the lumen distal end, and has a larger diameter at the elongated member distal end and a smaller diameter at the lumen distal end. The tapered surface receives a portion of the blood vessel surrounding the puncture for impeding the distal end of the elongated member from entering the blood vessel.

Independent claim 29, as well as the claims dependent directly or indirectly thereon, specifies a method for determining a depth of an incision. The method includes providing an elongated member having a tapered surface extending between the elongated member distal end and a proximally spaced lumen end, wherein the tapered surface has a larger diameter at the elongated member distal end and a smaller diameter at the lumen distal end, similar to independent claim 1.

Brenneman fails to disclose or suggest a device or method employing tapered surface having a larger diameter at a elongated member distal tip and a smaller diameter at a lumen distal end, as specified in independent claims 1 and 29. Instead, Brenneman discloses an introducer 12 having a distal end 22. A working channel 26 extends through the introducer 12. The distal ends of the working channel 26 and introducer 12 appear to be tapered. Specifically, the working channel 26 and introducer 12 have a smaller diameter at the distal end 22 and a larger diameter proximally thereof. This is directly opposite of what is specified in claim 1, where the tapered surface has a larger diameter at the elongate member distal end and a smaller diameter at the proximally spaced lumen distal end. Consequently, claims 1 and 29 are patentable over Brenneman, and therefore the obviousness rejection must be withdrawn.

Claims 2-3, 5-6, and 8-24 all depend, either directly or indirectly, from claim 1, while claims 30-41 all depend, either directly or indirectly, from claim 29. For the same reasons presented above, these claims are patentable over the cited prior art.

Claims 42 and 43 stand rejected under 35 U.S.C. §103(a) as obvious over Brenneman in view of U.S. Patent No. 6,063,085 ("Tay"). Applicants traverse this ground of rejection.

Similar to claims 1 and 29 noted above, independent claim 42 specifies a method for determining a depth of an incision including the use of an elongated member having a tapered surface. The tapered surface extends between the elongated member distal end and the proximally spaced lumen distal end, and has a larger diameter at the elongated member distal end and a smaller diameter at the lumen distal end. As noted above, Brenneman discloses an introducer that tapers in the opposite direction. Tay is cited for its disclosure of visual feedback during blood vessel sealing, but otherwise fails to supply the deficiency in Brenneman. Accordingly, for the same reasons presented above, independent claim 42 is patentable over the cited prior art.

Claims 43 depends directly from claim 1, and therefore is similarly patentable over the cited prior art.

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CONCLUSION

It is submitted that the present application is in good and proper form for allowance. A favorable action on the part of the Examiner is respectfully solicited.

If, in the opinion of the Examiner a telephone conference would expedite prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,
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